UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,717	07/30/2003	Dae-Gyu Bae	Q76376	6839

23373   7590   11/19/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
INGVOLDSTAD, BENNETT

ART UNIT	PAPER NUMBER
2427	

NOTIFICATION DATE	DELIVERY MODE
11/19/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

	Application No.	Applicant(s)
Advisory Action	10/629,717	BAE ET AL.
Before the Filing of an Appeal Brief	Examiner	Art Unit
	Bennett Ingvoldstad	2427

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,3-6,8-17,19-22 and 24-38*.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure* Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Scott Beliveau/	/Bennett Ingvoldstad/
Supervisory Patent Examiner, Art Unit 2427	Examiner, Art Unit 2427

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20101112

Continuation Sheet

1. Applicant's arguments filed 25 October 2010 have been fully considered, but they are not persuasive.

2. Applicant argues that Piotrowski fails to teach transmitting the claimed multimedia document scheduled at a generated reference clock value. Remarks at 3. The examiner agrees and notes that the rejection cites Kuzma to remedy this deficiency. See paragraph 4 below.

3. Applicant traverses the rejection's reliance on Piotrowski to teach the claimed multimedia document generator/transmitter, requesting a more specific citation. Remarks at 3. The examiner notes that the rejection relies on Piotrowski's broadcast transmitter as partially meeting this limitation. Piotrowski teaches that a broadcast transmission may contain a SMIL multimedia document (paras. 0019, 0023). Piotrowski does not specifically mention a broadcast transmitter, but the presence of a broadcast transmission implies a broadcast transmitter. Although Piotrowski does not specifically teach that the multimedia document is scheduled at the reference clock value as claimed, this deficiency is remedied by Kuzma as discussed below.

4. Kuzma teaches that multimedia documents should be broadcast at a scheduled time so that the documents may be delivered at the proper time (col. 6, ll. 27–34). Although Kuzma's multimedia documents are described as HTML documents as opposed to Piotrowski's SMIL documents, both types of documents are examples of markup language documents for providing an interactive document, and thus the teachings of one are broadly applicable to the other. Combining the teachings thus results in the broadcast of the multimedia documents at a specific time in accordance with the broadcast schedule.

5. In both Piotrowski and Kuzma the clock values are time codes/stamps for providing synchronization between the interactive media elements described in the media documents. However, neither reference teaches the specific content of the time codes/stamps or whether they contain current time values. For example, the time stamps could conceivably contain relative time values (e.g. relative to the start of a media broadcast) and thus fail to meet the claim. Alternatively, the time stamps could be absolute time values for synchronizing elements later in the broadcast, and thus still fail to be current time values.

6. However, Eng teaches that a "current time value" time stamp may be broadcasted in order to synchronize a clock between a broadcaster and a receiver (col. 17, ll. 22–46). Piotrowski and Kuzma do not disclose how the system clocks are maintained across the various network components. Thus one of ordinary skill could use the synchronization technique of Eng by adding in current time value time stamps to the broadcast of Piotrowski in view of Kuzma. The combination would be easy since all of the prior art transmitters are already adapted to transmit time codes/stamps, and would yield the predictable benefit of maintaining clock synchronization across the transmitters and receivers.

7. Applicant further argues that the multimedia documents and the media data are claimed separately and thus must be met by separate components of the pior art. Remarks at 4–5. The examiner notes that the claimed SMIL multimedia document corresponds to the SMIL document taught by Piotrowski. Piotrowski additionally teaches that the SMIL document references supplemental media data, which corresponds to the claimed media data. See Piotrowski para. 0031. Additionally, the SMIL documents are generated/transmitted as part of a broadcast transmission (para. 0019), whereas the supplemental data is retrieved from a web server (para. 0033), so the generators/transmitters are separate as well.

8. With regard to claim 38, Applicant additionally argues that the prior art does not implement a two-way broadcast. However, Piotrowski teaches that supplemental data is retrieved via an Internet address (para. 0033). As is known in the art, the Internet is a two-way medium and thus retrieving Internet data implies an upstream communication.

9. For these reasons, Applicant's argument are not persuasive.